

SENATE, No. 1870

STATE OF NEW JERSEY

216th LEGISLATURE

INTRODUCED MARCH 27, 2014

Sponsored by:

Senator JAMES W. HOLZAPFEL

District 10 (Ocean)

Senator ROBERT W. SINGER

District 30 (Monmouth and Ocean)

Co-Sponsored by:

Senators Bateman, T.Kean and Stack

SYNOPSIS

Establishes additional requirements, and penalties for failure to comply, concerning information to be provided to persons purchasing cats or dogs from pet shops or pet dealers.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 6/3/2014)

1 AN ACT concerning the sale of cats and dogs, and amending and
2 supplementing P.L.1999, c.336.

3
4 **BE IT ENACTED** *by the Senate and General Assembly of the State*
5 *of New Jersey:*

6
7 1. Section 4 of P.L.1999, c.336 (C.56:8-95) is amended to read
8 as follows:

9 4. a. Notwithstanding the provisions of any rule or regulation
10 adopted pursuant to Title 56 of the Revised Statutes as such
11 provisions are applied to pet shops, and without limiting the
12 prosecution of any other practices which may be unlawful pursuant
13 to Title 56 of the Revised Statutes, it shall be a deceptive practice
14 for any owner or operator of a pet shop, or employee thereof, to sell
15 animals within the State without complying with the provisions and
16 requirements of this section.

17 b. Within five days prior to the offering for sale of any animal,
18 the owner or operator of a pet shop, or employee thereof, shall have
19 the animal examined by a veterinarian licensed to practice in the
20 State. The name and address of the examining veterinarian,
21 together with the findings made and treatment, if any, ordered as a
22 result of the examination, shall be noted on the animal history and
23 health certificate for each animal as required by regulations adopted
24 pursuant to Title 56 of the Revised Statutes. If fourteen days have
25 passed since the last veterinarian examination of the animal, the
26 owner or operator of the pet shop, or employee thereof, shall have
27 the animal reexamined by a veterinarian licensed to practice in the
28 State as provided for in subsection g. of this section, except as
29 otherwise provided in that subsection.

30 c. **【Each cage in a】** Every pet shop **【shall have a label**
31 **identifying the sex and breed of each animal kept in the cage, the**
32 **date and place of birth of each animal, and the】** or pet dealer
33 offering cats or dogs for sale shall post on the cage or enclosure for
34 each cat or dog in the cage or enclosure, in a conspicuous location
35 on the cage or enclosure, a sign declaring:

36 (1) The date and place of birth of each cat or dog, and the actual
37 age, or approximate age as established by a veterinarian, of the cat
38 or dog;

39 (2) The sex, color markings, and other identifier information of
40 the cat or dog, including any tag, tattoo, collar number, or
41 microchip information;

42 (3) The name and address of the veterinarian attending to the
43 animal and the date of the initial examination of the animal 【.】 ;

44 (4) The first and last name of the breeder, the full street address
45 of where the breeder is doing business, the telephone number of the

EXPLANATION – Matter enclosed in bold-faced brackets **【thus】** in the above bill is
not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

1 breeder, and, if the breeder of the cat or dog is a dealer or breeder
2 licensed by the United States Department of Agriculture (USDA),
3 the breeder's USDA license number;

4 (5) The first and last name of the owner or operator of the pet
5 shop or pet dealer business, the full street address of where the pet
6 shop or pet dealer is incorporated, the telephone number of the
7 transporter or carrier of the cat or dog, if any or different from the
8 breeder named in paragraph (4) of this subsection; and

9 (6) For each cat or dog bred by a USDA licensed dealer or
10 breeder, the statement – “View the USDA inspection reports for the
11 breeder for this cat or dog by logging onto
12 <http://acissearch.aphis.usda.gov/LPASearch/faces/LPASearch>,
13 entering the last name of the breeder, state in which the breeder is
14 doing business, and USDA license number of the breeder, and press
15 search. You are also entitled to receive information about the
16 breeder's history through the federal Freedom of Information Act
17 by calling (301) 851-4102. Charges may apply.”

18 The owner or operator of the pet shop or pet dealer shall keep
19 this information up-to-date, ensure that the website and contact
20 telephone number are functioning, and make changes to the signage
21 as necessary so that the consumer has access to the correct
22 information at all times.

23 d. The owner or operator of a pet shop, or employee thereof,
24 shall quarantine any animal diagnosed as suffering from a
25 contagious or infectious disease, illness, or condition and may not
26 sell such an animal until such time as a veterinarian licensed to
27 practice in the State treats the animal and determines that such
28 animal is free of clinical signs of infectious disease or that the
29 animal is fit for sale. All animals required to be quarantined
30 pursuant to this subsection shall be placed in a quarantine area,
31 separated from the general animal population of the pet shop.

32 e. The owner or operator of a pet shop, or designated employee
33 thereof, may inoculate and vaccinate animals prior to purchase only
34 upon the order of a veterinarian. No owner or operator of a pet
35 shop, or employee thereof, may represent, directly or indirectly, that
36 the owner or operator of the pet shop, or any employee thereof,
37 other than a veterinarian, is qualified to, directly or indirectly,
38 diagnose, prognose, treat, or administer for, prescribe any treatment
39 for, operate concerning, manipulate or apply any apparatus or
40 appliance for addressing, any disease, pain, deformity, defect,
41 injury, wound or physical condition of any animal after purchase of
42 the animal, for the prevention of, or to test for, the presence of any
43 disease, pain, deformity, defect, injury, wound or physical condition
44 in an animal after its purchase. These prohibitions include, but are
45 not limited to, the giving of inoculations or vaccinations after
46 purchase, the diagnosing, prescribing and dispensing of medication
47 to animals and the prescribing of any diet or dietary supplement as

1 treatment for any disease, pain, deformity, defect, injury, wound or
2 physical condition.

3 f. The Director of the Division of Consumer Affairs in the
4 Department of Law and Public Safety shall provide each owner or
5 operator of a pet shop with notification forms, to be signed by the
6 owner or operator of the pet shop, or employee thereof, and the
7 consumer at the time of purchase of an animal. The notification
8 form shall provide the following:

9 (1) The full text of the rights and responsibilities provided for in
10 subsection h. of this section;

11 (2) The full text and description of the recourse to which the
12 consumer is entitled pursuant to subsection i. of this section;

13 (3) The statement that it is the responsibility of the consumer to
14 obtain such certification within the required amount of time
15 provided by subsection h. of this section;

16 (4) The full text of the rights and responsibilities of the owner or
17 operator of the pet shop, and the employees thereof, and the
18 consumer provided in subsection l. of this section; and

19 (5) The notification, reporting and enforcement provisions
20 provided in section 5 of P.L.1999, c.336 (C.56:8-96), including the
21 name and address of the local health authority with jurisdiction over
22 the pet shop.

23 The owner or operator of the pet shop, or an employee thereof,
24 shall obtain the signature of the consumer on the form and shall also
25 sign the form at the time of purchase of an animal, and shall provide
26 the consumer with a signed copy of the form and retain a copy of
27 the form on the pet shop premises. Copies of all such notices shall
28 be readily available for inspection by an authorized representative
29 of the Division of Consumer Affairs, upon request. No pet shop
30 owner or operator, or employee thereof, may construe or use the
31 signed notification form required pursuant to this subsection as an
32 abdication of the right to recourse provided for in subsection i., or
33 as a selection of recourse pursuant to subsection k. of this section.

34 g. The owner or operator of a pet shop, or an employee thereof,
35 shall have any animal that has been examined more than 14 days
36 prior to the date of purchase, reexamined by a veterinarian for the
37 purpose of disclosing its condition, within 72 hours of the delivery
38 of the animal to the consumer, unless the consumer has waived the
39 right to the reexamination in writing. The owner or operator of a pet
40 shop, or an employee thereof, shall provide a copy of the written
41 waiver to the consumer prior to the signing of any contract or
42 agreement to purchase the animal and the written waiver shall be in
43 the form established by the director by regulation.

44 h. If at any time within 14 days after the sale and delivery of an
45 animal to a consumer, the animal becomes sick or dies and a
46 veterinarian certifies, within the 14 days after the date of purchase
47 of the animal by the consumer, that the animal is unfit for purchase
48 due to a non-congenital cause or condition, or that the animal died

1 from causes other than an accident, the consumer is entitled to the
2 recourse described in subsection i. of this section.

3 If the animal becomes sick or dies within 180 days after the date
4 of purchase and a veterinarian certifies, within the 180 days after
5 the date of purchase of the animal by the consumer, that the animal
6 is unfit for sale due to a congenital or hereditary cause or condition,
7 or a sickness brought on by a congenital or hereditary cause or
8 condition, or died from such a cause or condition or sickness, the
9 consumer shall be entitled to the recourse provided in subsection i.
10 of this section.

11 It shall be the responsibility of the consumer to obtain such
12 certification within the required amount of time provided by this
13 subsection, unless the owner or operator of the pet shop, or the
14 employee thereof selling the animal to the consumer, fails to
15 provide the notice required pursuant to subsection f. of this section.
16 If the owner or operator of the pet shop, or the employee thereof,
17 fails to provide the required notice, the consumer shall be entitled to
18 the recourse provided for in subsection i. of this section.

19 i. Only the consumer shall have the sole authority to determine
20 the recourse the consumer wishes to select and accept, provided that
21 the recourse selected is one of the following:

22 (1) The right to return the animal and receive a full refund of the
23 purchase price, including sales tax, plus the reimbursement of the
24 veterinary fees, including the cost of the veterinarian certification,
25 incurred prior to the receipt by the consumer of the veterinarian
26 certification;

27 (2) The right to retain the animal and to receive reimbursement
28 for veterinary fees incurred prior to the consumer's receipt of the
29 veterinarian certification, plus the future cost of veterinary fees to
30 be incurred in curing or attempting to cure the animal, including the
31 cost of the veterinarian certification;

32 (3) The right to return the animal and to receive in exchange an
33 animal of the consumer's choice, of equivalent value, plus
34 reimbursement of veterinary fees, including the cost of the
35 veterinarian certification, incurred prior to the consumer's receipt of
36 the veterinarian certification; or

37 (4) In the event of the death of the animal from causes other
38 than an accident, the right to a full refund of the purchase price of
39 the animal, including sales tax, or another animal of the consumer's
40 choice of equivalent value, plus reimbursement of veterinary fees,
41 including the cost of the veterinarian certification, incurred prior to
42 the death of the animal.

43 The consumer shall be entitled to be reimbursed an amount for
44 veterinary fees up to and including two times the purchase price,
45 including sales tax, of the sick or dead animal. No reimbursement
46 of veterinary fees shall exceed two times the purchase price,
47 including sales tax, of the sick or dead animal.

- 1 j. The veterinarian shall provide to the consumer in writing
2 and within the seven days after the consumer consults with the
3 veterinarian any certification that is appropriate pursuant to this
4 section upon the determination that such certification is appropriate.
5 The certification shall include:
- 6 (1) The name of the owner;
 - 7 (2) The date or dates of examination;
 - 8 (3) The breed, color, sex and age of the animal;
 - 9 (4) A statement of the findings of the veterinarian;
 - 10 (5) A statement that the veterinarian certifies the animal to be
11 "unfit for purchase";
 - 12 (6) An itemized statement of veterinary fees incurred as of the
13 date of certification;
 - 14 (7) If the animal may be curable, an estimate of the possible cost
15 to cure, or attempt to cure, the animal;
 - 16 (8) If the animal has died, a statement establishing the probable
17 cause of death; and
 - 18 (9) The name and address of the certifying veterinarian and the
19 date of the certification.
- 20 k. Upon the presentation of the veterinarian certification
21 required in subsection j. of this section to the pet shop, the
22 consumer shall select the recourse to be provided and the owner or
23 operator of the pet shop, or the employee thereof, shall confirm the
24 selection of recourse in writing. The confirmation of the selection
25 shall be signed by the owner or operator of the pet shop, or an
26 employee thereof, and the consumer and a copy of the signed
27 confirmation shall be given to the consumer and retained by the
28 owner or operator of the pet shop, or employee thereof, on the pet
29 shop premises. The confirmation of the selection shall be in the
30 form established by the director by regulation.
- 31 l. The owner or operator of the pet shop, or an employee
32 thereof, shall comply with the selection of recourse by the consumer
33 no later than 10 days after the receipt of the veterinarian
34 certification and the signed confirmation of selection of recourse
35 form. In the event the owner or operator of the pet shop, or an
36 employee thereof, wishes to contest the selection of recourse of the
37 consumer, the owner or operator of the pet shop, or an employee
38 thereof, shall notify the consumer and the director in writing within
39 the five days after the receipt of the veterinarian certification and
40 the signed confirmation of selection of recourse form. After
41 notification to the consumer and the director of the division, the
42 owner or operator of the pet shop, or an employee thereof, may
43 require the consumer to produce the animal for examination by a
44 veterinarian chosen by the owner or operator of the pet shop, or
45 employee thereof, at a mutually convenient time and place, except
46 if the animal has died and was required to be cremated for public
47 health reasons. The director shall set, upon receipt of such notice of
48 contest on the part of the owner or operator of the pet shop, or an

1 employee thereof, a hearing date and hold a hearing, pursuant to the
2 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et
3 seq.) and the Uniform Administrative Procedure Rules adopted
4 pursuant thereto, to determine whether the recourse selected by the
5 consumer should be allowed. The consumer and the owner or
6 operator of the pet shop, or employee thereof, shall be entitled to
7 any appeal of the decision resulting from the hearing as may be
8 provided for under the law, or any rule or regulation adopted
9 pursuant thereto, but upon the exhaustion of such remedies and
10 recourse, the consumer and the owner or operator of the pet shop
11 shall comply with the final decision rendered.

12 m. Any owner or operator of a pet shop, or employee thereof,
13 shall be guilty of a deceptive practice if the owner or operator, or
14 employee thereof, secures or attempts to secure a waiver of any of
15 the provisions of this section except as specifically authorized under
16 subsection g. of this section.

17 n. The owner of a pet shop shall be responsible and liable for
18 any recourse or reimbursement due to a consumer because of
19 violations of any provisions of this section by the owner or operator
20 of the pet shop, or any employee thereof, or because of any
21 document signed pursuant to this section by the owner or operator
22 of the pet shop, or any employee thereof.

23 o. Any pet dealer in the State advertising for sale a cat or dog
24 bred by a USDA licensed breeder through print or electronic means,
25 including those posted on the Internet or a website, shall
26 continuously display the name, state or residence, and USDA
27 license number of the breeder of the cat or dog in the advertisement
28 so that this information is easily legible to the consumer.

29 (cf: P.L.1999, c.336, s.4)

30

31 2. (New section) Any person violating subsection c. of section
32 4 of P.L.1999, c.336 (C.56:8-95) shall be subject to a fine of \$500
33 for each violation, to be collected by the division in a civil action by
34 a summary proceeding under the "Penalty Enforcement Law of
35 1999," P.L.1999, c.274 (C.2A:58-10 et seq).

36

37 3. This act shall take effect immediately.

38

39

40

STATEMENT

41

42 The bill establishes additional requirements under the "Pet
43 Purchase Protection Act" to provide breeder information to the
44 consumer about each cat or dog being offered for sale. The bill
45 requires this information to be posted on each cage or enclosure in a
46 pet shop or pet dealer premises and in Internet and print
47 advertisements. The bill also requires the posting of directions for
48 accessing electronically the United States Department of

S1870 HOLZAPFEL, SINGER

8

- 1 Agriculture (USDA) inspection reports for breeders licensed by the
- 2 USDA. The bill establishes a \$500 penalty for failure to comply
- 3 with these requirements.